DEWAN'S REPLY: Mr. Haneef, you seem to be labouring under the impression that absolutely nothing is being done to encourage the manufacture of salt. As a matter of fact, that is not the case. Every effort is being made to enable manufacturers to produce salt in larger quantities and of better quality. There is, as you remarked, the anomalous difference between the old *alloms* and the newer ones. That is now being attempted to be removed and they will rapidly pass through the transitional stage; and as the first instalment, the Tamaracolam old *allom* is about to be brought into the category of the new ones.

In regard to the weighment of salt, that is also a matter which has been brought up before this Assembly more than once and we have at last reached a stage when the Excise Commissioner is drawing up a set of rules which, if found workable, will be applied so as to improve matters and make things easier for the salt manufacturer and for the Government.

In the matter of Excise, I see you have taken in what I said yesterday and I cannot do more than repeat that it will always be the policy of the Government to keep a firm hand upon the consumption of drinks and drugs in the State; not merely to keep a firm hand but to drive it also with strong reins so that you may not be afraid of the country taking to or running away into intemperance or anything of that sort. We will steadily effect control and bring it to moderate dimensions. I will not say that these habits of intemperance exist in immoderate proportions because they do not. But there is no reason why we should not, even if they exist in moderate proportions, try to bring them down to lesser proportions. With that I ask you to remain content at present.

19. Amendment of the Jenmi and Kudiyan Regulation.

MR. K. P. VELAYUDHAN PILLAI (*Member, Municipal Council, Vaikam*) said that the necessity for the amendment of the existing Jenmi and Kudiyan Regulation had been urged upon the Government both by the *jenmies* and the *kudiyans*. The Regulation was defective in that it placed the *jenmies* in a position of vantage and subjected the *kudiyans* to many hardships. It, therefore, required immediate and radical changes so as to safeguard the best interests of the *jenmies* and *kudiyans* alike.

The first amendment necessary was in regard to the payment of renewal fees. The fees should never exceed 25 per cent. of the *kanam* amount or twice the amount of *michavaram*. Besides the rack-rents exacted from the *kudiyans*, they were also called upon to pay several *avakasams*, such as *opputusi* and the like. After making all such payments, the profits made by the *kudiyan* were too small to meet his ordinary requirements. The renewal fees should be levied only once in 24 years and recovered in annual instalments to prevent accumulation of arrears. The member said that, in the Vaikam taluk, the *adukkuvatu* and *panachilavu* which were payable in kind, should be commuted into money, one *para* of paddy being made equivalent to one *puthen*.

The next suggestion was that the *jenmipaattam* should be fixed on the basis of the net produce of the land concerned.

He then referred to the power of eviction conferred on the *jenmies* by Section 7 of the Regulation, for default of payment of rent for 12 years. Such power was not only a violent encroachment on the rights of the *kudiyans*, but was unnecessary in view of the fact that rent was expressly declared to be a first charge on the land under Section 13. The latter provision was sufficient to safeguard the interests of the *jenmies* in the collection of rent. Even in respect of *pandaravaka* lands, no such power of eviction had been reserved and its absence had not stood in the way of collection of revenue. Further, there was no similar provision either in the Madras Estates Land Act or in the Bengal Tenancy Act.

Passing on to the modes of collection and payment of dues, the member pressed for the enhancement of the jurisdiction of Munsiffs and District Judges in entertaining suits for recovery of arrears. Under the Regulation, Munsiffs could dispose of claims not exceeding Rs. 30, and District Judges those not exceeding Rs. 100. Munsiffs could well be empowered to try suits relating to claims for Rs. 100

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and below and District Judges to try all suits for sums exceeding Rs. 100. The existing provisions for depositing arrears in court were not adequate and were consequently not being freely availed of by the *kudiyans*. Unless the amounts due were deposited in full, applications for deposit were rejected. The member considered that *kudiyans* should be allowed to deposit two-thirds of the arrears with interest and that the balance alone should bear interest after the date of deposit. *Kudiyans* should be allowed also to deposit the dues in the Revenue offices and to send them by money order. The Revenue Department should be authorised to collect the dues on behalf of the *jenmies* and pay them to the latter after deducting a small percentage as collection charges. That would prevent unnecessary litigation and rack-renting by the *karyastans* of the *jenmies*. The Government had undertaken a similar responsibility in the case of the Kilimanur and Edapalli *Edavakas* ; and by extending it to the *jenmies*, they would only be increasing the prosperity of *kudiyans*.

Other suggestions made by the member in this connection were the following :—

(i) Interest on arrears of *michavaram* and other dues should not exceed 12 per cent. per annum.

(ii) Arrears should not be claimed for more than 6 years at a time.

(iii) The standard measure should be fixed as the *para* defined in Regulation VI of 1085.

Under the Jenmi and Kudiyan Regulation, the *jenmies* could claim enhanced *michavarams* by reducing the rate of interest allowed on *arthams* advanced by the *kudiyans* and by increasing the amount of *jenmipaattam*, without giving any corresponding benefit to the *kudiyans*. That being inequitable, the *jenmies* should be denied that power as well as the right to levy *ettartham* unless there had been (*a*) an increase in the area of the land demised due to natural causes or in the number of taxable trees, (*b*) an improvement in the productivity of the soil and (*c*) a rise in the price of articles. The *kudiyans* should be entitled to claim reduction of *paattam* in the following cases :—

(1) When there occurred a deficit in the actual area of land by natural causes ;

(2) when there had been a fall in the market prices of the articles of produce ; and

(3) when there had been a reduction in the number of assessable trees, due to natural causes or when the soil had deteriorated due to no fault of the *kudiyans*.

The *jenmies* and *kudiyans* should have power to commute the dues into money payments. Any enhancement of rents, which would not leave a clear profit of 75 per cent. of the net produce to the *kudiyans*, should be declared illegal. An enhancement or reduction of rent once made should not be disturbed for a period of 24 years.

Remission and suspension of *michavaram* and other dues should be allowed for failure of crops due to droughts or floods in those localities where remissions were allowed by the Government.

As regards the rights of the *jenmies* and the *kudiyans* to the timber produced on the lands, the law was not definite. The *kudiyans* should have full liberty to cut down trees of spontaneous growth and those planted by them and the *jenmies* should have no right whatsoever to such trees.

The Regulation did not also provide for the apportionment of the compensation given for lands acquired by the Government. There were, however, a few judicial decisions according to which the *kudiyans* were entitled to a quarter of the ground value *plus* the *kanam* amount and three quarters of the value of the improvements made by him. As the claim of *jenmies* was only to the *jenmikaram* and the customary dues, he need be allowed only an amount which, if invested on land or lent out on interest, would fetch the *karam* due to him. The amount thus due would roughly be equal to 22 times the *michavaram* payable.

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Lastly, provision had also to be made to enable the *kudiyans* to partition their holdings and to require the *jenmies* to receive proportionate *michavaram* from the shareholders, provided due notice of partition were given to the former.

DEWAN'S REPLY: Mr. Velayudhan Pillai, your opening remarks made me think that you were coming forward with a scheme of warm benevolence towards the *jenmies* and the *kudiyans*. By the time you proceeded, I discovered that the *jenmies* had been forgotten and the *kudiyans*' cause alone was advanced. The whole trend of your proposals seemed to me that the Government should shoulder all sorts of burdens, undertake all sorts of duties, act as guarantors, in all sorts of directions, to help the helpless and simple-minded *kudiyans*. As early as possible it will be for the Legislative Council to decide. There is, as you know, a Jenmi Kudiyan Bill which will shortly come before the Council. It has already been drafted. Numerous petitions have recently come in both from the *jenmies* and from helpless *kudiyans*, and both marshal very strong reasons and present their case very ably. All this is now being examined by the Government's legal advisers and I have not the slightest doubt that in course of time they will put forward definite proposals which the Government will be able to lay before the Legislative Council for further consideration.

20. Ezhavas and the Legislative Council.

MR. K. NARAYANA PANIKKAR (*Member, Nominated*) observed that the Ezhavas had begun to feel their political disabilities and that their constitutional agitation was the result of that realisation. Their attempts to get due representation on the Legislative Council had proved vain. In the two last general elections, their candidates contested two seats from the general constituencies, but were defeated. The reasons for their defeat were primarily that the Ezhavas did not form the majority of voters in any one single constituency; and secondly, communal considerations and prejudices prevented them from getting votes from outside their caste or religion. The second obstacle could hardly be expected to cease to operate in the near future. The first difficulty could, however, be surmounted if the Government introduced universal franchise, without property qualification. As a first step in reaching that ideal, it would be advisable to broaden the franchise by reducing the property qualification. All who paid a land tax of one rupee should be eligible to vote. The total amount of land tax and house tax amounted only to 25 per cent. of the whole State revenue. A franchise system based on such tax was unjust to the people contributing the remaining 75 per cent. of the revenue. Further, it was the privilege of every subject and every community to have an opportunity for serving the State and the people at large through the Legislative Council and other representative institutions. The Government had realised that and had resorted to nominations. But, for obvious reasons, nominations could not ensure representation. The Government formed the electorate, so to speak, for this purpose; and the nominated members were generally influenced by the opinions of the Government.

So far as the Ezhavas were concerned, the eligible voters among them were widely and ineffectually scattered throughout the State and they could not therefore secure due representation. Constituting, as they did, one-sixth of the total population of the State, they were on that basis eligible for four seats in the Council. But the Government were nominating only two members in the past.

The member therefore requested the Government to accept any one of the following suggestions in view to redress the grievances of his community:—

(1) Separate electorate be formed for the Ezhavas, as in Cochin and in British India where Mahomedan electorates had been formed, at least as a tentative measure, till caste prejudices vanished or till universal franchise was granted.

(2) The requisite number of seats be reserved for the Ezhavas in the general electorate by clubbing together two or more taluks and reserving a seat for an Ezhava from that constituency.

(3) The S. N. D. P. Yogam, the only accredited representative organisation for the Ezhavas, be empowered to nominate the requisite number of represntatives.

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